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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/372,459	08/11/1999	CORNELIS A.M. JASPERS	PHN-17-061	1417

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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GENCO, BRIAN C

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 05/05/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/372,459

Applicant(s)

JASPERS, CORNELIS A.M.

Examiner

Brian C Genco

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,8,9,11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 2, 7, and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Applicant's amendment filed February 11, 2004 has been fully considered but is not deemed persuasive.

Examiner notes that Applicant argues that neither the Spaulding nor Bestenreiner references disclose adjusting an  $n \times n$  color signal matrix where  $n$  is a number of primary colors chosen.

In response, Examiner notes that Bestenreiner explicitly discloses the set of equations as written out on page 5 of Applicant's response wherein since the equation for  $Y$  includes the summation of a constant times each of the  $R$ ,  $G$ , and  $B$  inputs. Therefore, this forms a set of three equations, each including the  $R$ ,  $G$ , and  $B$  inputs wherein this set of equations is for adjusting an  $n \times n$  color signal matrix where  $n$  is a number of primary colors chosen, namely 3.

Examiner further notes Fig. 1 of Spaulding wherein it is pictorially shown that a set of three color outputs are obtained through the manipulation of three functions, each utilizing three color inputs  $A$ ,  $B$ , and  $C$  wherein this set of equations is again is for adjusting an  $n \times n$  color signal matrix where  $n$  is a number of primary colors chosen, namely 3.

As such, the rejections previously presented still stand.

#### ***Allowable Subject Matter***

Claims 2, 7, and 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. See Paper No. 10 for the reasons for allowance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by (USPN 4,605,954 to Bestenreiner et al).

In regards to claim 1 Bestenreiner et al, herein Bestenreiner, discloses a method of adjusting an  $n \times n$  color signal matrix where  $n$  is a number of primary colors in a chosen color space, the method comprising:

adjusting (VAC) a single first color signal matrix related value to obtain a color signal matrix adjustment (e.g., adjusting the value  $k$  in equations 3a and 3b; column 4, lines 47-60; column 5, lines 18-27); and

automatically adapting (AAC) at least two color signal matrix parameters other than said single first color signal matrix related value in dependence upon said color signal matrix parameter adjustment (e.g., the modified red  $R'$ , and blue  $B'$  values are automatically adjusted based on the adjustment of  $k$ ; column 5, lines 18-27).

In regards to claim 5 see examiners notes on the rejection of claim 1.

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Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by 6,269,184 to Spaulding et al).

In regards to claim 1 Spaulding et al, herein Spaulding, discloses a method of adjusting an  $n \times n$  color signal matrix where  $n$  is a number of primary colors in a chosen color space, the method comprising:

adjusting (VAC) a single first color signal matrix related value to obtain a color signal matrix adjustment (e.g., Spaulding discloses adjusting one color on an input image to a specified color on an output image; column 5, lines 33- column 6, line 24); and

automatically adapting (AAC) at least two color signal matrix parameters other than said single first color signal matrix related value in dependence upon said color signal matrix parameter adjustment (e.g., Spaulding discloses automatically adjusting colors close to the designated output color so as to smooth the transition of colors; column 6, lines 37-46).

In regards to claim 5 see examiners notes on the rejection of claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 4,605,954 to Bestenreiner et al).

In regards to claim 6 Bestenreiner does not explicitly disclose that the color signal matrix adjustment occur in a camera. Bestenreiner does disclose that initially a color image signal is sensed in a conventional manner and then printed on a display or a printer (e.g., column 3, line 61 – column 4, line 2). Therefore it would have been obvious to one of ordinary skill in the art to have sensed the image in the conventional manner of using a camera to sense the image since it is a widely used and conventional method of sensing a color image. Therefore the camera would subsequently use the color image signal matrix adjustment to adapt the color image signal for display on the camera as is known in the art and taught by Bestenreiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco  
Examiner  
Art Unit 2615

May 3, 2004

A handwritten signature in black ink, appearing to read 'ANDREW CHRISTENSEN', with a long horizontal line extending to the right.

ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600